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SUBJECT: GEORGIA: GROUP OF FRIENDS INFORMAL CONSULTATIONS
ON UNOMIG

REF: SECSTATE 6467

Classified By: Ambassador Susan Rice for reasons 1.4 (b) and (d)

11. (C) SUMMARY AND ACTION REQUEST. At an informal meeting of Ambassadors of the Georgia Group of Friends on January 29, Russian PermRep Churkin linked Russian cooperation on an extension of the UN Mission in Georgia to an invitation from the Security Council for Abkhaz de facto authorities to participate in a Council session. Churkin threatened not to engage on the substance of a resolution until after the question of Abkhaz participation had been resolved, and said he would raise it in the Council on February 3. He also said Russia prefers a substantive resolution to a technical rollover, and wanted a new mandate to reflect what he called the "Sarkozy-Medvedev" agreements of August 12 and September 8, 2008. U.K. PermRep Sawers raised the issue of an Arria-format meeting as a compromise on Abkhaz participation, but Ambassador DiCarlo deflected discussion of an Arria meeting in the Friends format. USUN requests Department guidance by OOB on Monday February 2 on our approach to an Abkhaz appearance in New York. See paragraph 11. END SUMMARY AND ACTION REQUEST.

12. (C) German PermRep Thomas Matussek, acting in his capacity as coordinator of the Georgia Group of Friends (Croatia, France, Germany, Russia, U.K., U.S.), presented a draft resolution to Ambassadors on January 29 that would extend the UN Observer Mission in Georgia (UNOMIG) for an interim period of four months. (See para 12 for text of draft resolution, which differs slightly from the text in Reftel paragraph 6.) He suggested that another short term rollover was not ideal, but he thought the draft resolution would clarify some elements of a security regime for the conflict zone, address refugee, IDP and other humanitarian issues, and set the stage for the Geneva-based talks on security and stability to make progress on medium and longer term measures. Matussek characterized the draft as a synthesis of German thoughts after extensive bilateral consultations among the Friends.

ABKHAZ PARTICIPATION IN NEW YORK

13. (C) Russian PermRep Vitaly Churkin emphasized he wanted a "clear understanding from the outset" that the Abkhaz "de facto" authorities would appear at a Council meeting for adoption of the resolution on February 13 under Rule 39 of the Security Council's provisional rules of procedure. (Rule 39 states that the Council may invite "competent" persons at its discretion.) Churkin said he would raise the issue at the Council's Program of Work (POW) meeting on Tuesday February 3, so that the matter would not be resolved "too late to grant visas" to the Abkhaz. (The POW meeting is the first meeting of the Council each month, at which the Council agrees to the monthly agenda.) Referring to negotiations over extension of the mandate, Churkin said the decision whether to allow the Abkhaz participation under Rule 39, "will impact the whole thing." "I don't know how strongly,"

he added, "but it will impact and I hope we can come to a sensible conclusion on Tuesday," implying that he would make unspecified concessions on a UN mandate after a concession from the Council on Abkhaz participation in a Council meeting.

¶4. (C) U.K. PermRep John Sawers noted a "precedent" that had been set by Kosovars appearing in the Council, but he also suggested there is a "group in the Council that would prefer to start with an Arria-format meeting." (An Arria-format is an informal meeting held outside of the Council chambers to which all Council members are invited.) Ambassador DiCarlo said she thought the question of participation by the Abkhaz under Rule 39 was a Council decision and should be discussed in another forum rather than in the Group of Friends. Churkin pushed back by saying that if the Group of Friends agreed, the Council would follow. Ambassador DiCarlo was firm that the U.S. did not want to engage on the question in the Friends format.

MOSCOW AGREEMENT VS. "SARKOZY-MEDVEDEV"

¶5. (C) Referring to the German draft, Churkin said he did not have instructions from Moscow, and would not comment on details. He agreed that the current UNOMIG mandate needed to be adjusted. In general terms, he said Russia would prefer to adopt a substantive resolution rather than a technical rollover, but the German draft appeared to him to be a technical rollover with a few extra elements. Churkin criticized the current draft as not reflecting the realities

USUN NEW Y 00000070 002 OF 003

on the ground. He suggested what he referred to as the "Sarkozy-Medvedev" agreements of August 12 and September 8 should be the basis for a new mandate, rather than the Moscow Agreement of 1994. The area of operation of UNOMIG should not be defined under the terms of the now-defunct Moscow Agreement, he said, because it reflects a reality that no longer exists. He argued that the symmetrical security zones on both sides of the cease-fire line under the Moscow Agreement had been necessary to prevent Georgian forces from operating in Abkhazia. According to Churkin, the Sarkozy-Medvedev agreements reflected the new reality, and rightly put an international mechanism (EU monitors) on the Georgian side of the cease-fire line in order to create a buffer and ensure the security of South Ossetia and Abkhazia.

¶6. (C) Turning to the German draft, and after making clear that he did not have instructions, Churkin mentioned specific elements of the draft he thought were unnecessary. He did not think there should be a reference to the OSCE, as he did not see an OSCE role in the Abkhazia conflict. He did not like a reference to a recent International Court of Justice (ICJ) ruling relating to the protection of civilians in Abkhazia and another reference to racial discrimination that had been taken from the ICJ ruling. Churkin mentioned he would want it to be clear that UNOMIG would no longer patrol in the upper Kodori Valley in Abkhazia, as they had previously done under the Moscow Agreement, and he wanted the elements of the Sarkozy-Medvedev agreements more clearly elaborated.

¶7. (C) Sawers supported the German text as a "good start", though he commented that it could have been more ambitious. He thought it important to keep the security arrangements of the former Moscow Agreement in place. Sawers questioned whether the German draft's four-month mandate and a two-month deadline for the Secretary-General's report would be sufficient time to arrive at a security regime for the conflict zone. He suggested an interim mandate might need to be for a longer period.

¶8. (C) Ambassador DiCarlo also offered her support for the German text, citing the need to specify a security regime for

UNOMIG to monitor, as well as the importance of keeping focus on the Geneva talks. She expressed a readiness to work with the Russians and others to find a consensus text for a resolution, and encouraged Ambassador Churkin to offer specific edits.

¶9. (C) French Deputy PermRep Jean-Pierre LaCroix agreed it was important to keep the UN presence, which he said adds to the work of the EU monitors. Referring to the two Geneva tracks of security and stability and IDP issues, LaCroix said he thought it important to preserve a presence of both Geneva pillars in the resolution, which would serve as a basis for the Geneva process.

¶10. (C) As a next step Matussek suggested that all capitals send their comments on the German text by Monday morning, February 2, after which experts would try to see if some consensus could be found. Churkin said he could get comments from Moscow by Monday, but was non-committal about whether the Russians would engage in a drafting session prior to Tuesday's POW meeting.

COMMENT AND ACTION REQUEST

¶11. (C) In order for us to achieve a technical rollover, we will likely have to accommodate Churkin's desire to have the Abkhaz de facto authorities appear in New York in some form. We do not support a formal Security Council invitation under Rule 39 for the Abkhaz to participate in a formal meeting, but propose that we try and broker an Arria-format meeting directly with Churkin so that adoption of the rollover will go smoothly. France and the U.K. are willing to go along with this approach. We would have difficulty holding the line on a Rule 39 invitation at all, even with the Europeans, without a compromise offer of U.S. visas for an Arria-format meeting. In our discussions with the Russians, we would seek to have the Abkhaz de facto authorities appear at the informal meeting sometime after the vote, or as an alternative, sometime earlier, so as not to give the appearance of a quid pro quo. USUN requests Department guidance by OOB on Monday February 2.

DRAFT RESOLUTION

¶12. (SBU) Begin text of German draft resolution:

USUN NEW Y 00000070 003 OF 003

The Security Council,

PP1 Recalling all its relevant resolutions including resolutions 1808 (2008) of 15 April 2008 and 1839 (2008) of 9 October 2008,

PP2 Welcoming the report of the Secretary-General on the activities of the United Nations Observer Mission in Georgia of X February 2009 (S/2009/XX),

PP3 Welcoming and endorsing the mediation of the Presidency of the European Union and Chairman-in-Office of the Organisation for Security and Cooperation in Europe (OSCE), which led to the agreements of 12 August 2008 and 8 September 2008,

PP4 Noting the Order of the International Court of Justice dated 15 October 2008 in the case concerning the "Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)",

PP5 Supporting the sustained efforts of the Secretary-General and of his Special Representative, of the European Union and its Special Representative, and of the OSCE and the Special

Envoy of its Chairman-in-Office, in order to establish modalities for security and stability in the region and address the question of refugees and internally displaced persons (IDPs),

PP6 Underlining the need to continue and strengthen the discussions commenced in Geneva on 15 October 2008,

OP1 Recalls the arrangements entered into by the parties under the ceasefire agreement on 12 August 2008 and the agreement of 8 September 2008, including their commitment to renounce the use of force and to withdraw their forces to their positions prior to the August 2008 conflict;

OP2 Requests all the parties to respect a restricted weapons and security zone, as set out in paragraph 2(a) of the Agreement on a Cease-fire and Separation of Forces signed in Moscow on 14 May 1994 (S/1994/583), pending agreement on a revised security regime;

OP3 Calls on all the parties to refrain from any act of racial discrimination against persons, groups of persons or institutions, and to ensure, without distinction, the security of persons, the right of persons to freedom of movement and the protection of the property of refugees and displaced persons;

OP4 Calls on all the parties to facilitate and refrain from placing any impediment to humanitarian assistance to persons affected by the conflict, including refugees and IDPs, and to contribute to their voluntary, safe and unhindered return;

OP5 Calls on all the parties to intensify efforts to address the issues of regional security and stability, and the issue of refugees and IDPs, through the discussions currently under way in Geneva, and requests the Secretary General, through his Special Representative, to continue to fully support this process, and to report on progress by 15 April 2009;

OP6 Calls upon the Secretary-General to actively coordinate through his Special Representative the United Nations Mission's activities with other international presences established in the area of deployment, in particular with the European Union's Monitoring Mission (EUMM);

OP7 Requests the Secretary-General to report to the Council on the implementation of this resolution, and on the situation in Georgia, and the activities of the United Nations Mission, including recommendations on future activities by 15 April 2009;

OP8 Decides to extend the mandate of the United Nations Mission for a new period terminating on 15 June 2009;

OP9 Decides to remain actively seized of the matter.
Rice